

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
MAY 14, 2002**

PRESENT: W. Robert Cress, Dan Densow, Bonnie Gift, Roy Pfeffer and Rick Unbehaun,

EXCUSED: All members were present.

STAFF PRESENT: Clete Hansen; Jacquelynn Rothstein, Legal Counsel, and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Erin Longmire, FSA
Mark Paget, WFDA
Barbara Schuler, WVTAE

CALL TO ORDER

The meeting was called to order at 9:36 a. m. by Roy Pfeffer, Chair. A quorum of 5 members was present.

AGENDA

MOTION: Bonnie Gift moved, seconded by Dan Densow, to remove "Personnel Issues" from the Closed Session Agenda. Motion carried unanimously.

MOTION: Dan Densow moved, seconded by Bonnie Gift, to approve the agenda, as amended. Motion carried unanimously.

MINUTES (3/12/02)

MOTION: Dan Densow moved, seconded by Rick Unbehaun, to approve the minutes, as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Greg Horstman, Deputy Secretary

Greg Horstman discussed the following items with the Board: the reorganization of the Department, the Board Member Workshop, the newsletter sent to board members, the survey of board members and the Budget Repair Bill.

Katharine Hildebrand, DRL Information Officer

Katharine Hildebrand discussed the Regulatory Digest, the Board Member Workshop, the survey of board members and the newsletter sent to Board members.

Bureau Director's Report

- **Board Roster**

Noted

- **2002 Meeting Dates**

Noted

- **Summary Report on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **To-Do List**

Noted

- **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

COPYING DEATH CERTIFICATES

Peggy Peterson, Wisconsin Department of Health and Family Services, appeared before the Board and distributed a draft copy of a Release to Cremate form. This would be a model format that would be available to coroners in electronic format. It would be a Word document; therefore, coroners would have some flexibility to tailor it according to their needs. Ms. Peterson said that this revision was necessary, regardless of the discussion of the cremation draft.

MOTION: Dan Densow moved, seconded by Bonnie Gift, to recommend the distribution of this form to coroners and to recommend that they use the form, as drafted by DHFS and reviewed by the Board at this meeting. Motion carried unanimously.

LEGISLATIVE UPDATE

Regulation of Crematories

Erin Longmire informed the Board about the efforts to have the crematory proposal included in the Budget Repair Bill. She also discussed with the Board the possible inclusion of an inspection component in the draft. She said that she had spoken to George Petak, Lobbyist for the Wisconsin/Badger State Cemetery Association, and that Mr. Petak expressed support for inclusion of an inspection provision. She also said that she and Patrick Essie had met with Secretary Herrera and discussion this issue with him, plus the possibility of including it in the next Biennial Budget Bill.

The Board briefly discussed the inspection issue and suggested that, if the inspection idea advances, there should be consideration given to having funeral homes inspected more often than they are now. The Board noted the copies of e-mail responses that Clete Hansen received from regulators in other states, regarding their regulations that pertain to crematories.

The Board informally suggested that the letter received from John Reindl, Dane County Department of Public Works, should be referred to the Wisconsin Department of Commerce.

EXAMINATION ISSUES

Casey Brown had asked Clete Hansen to report to the Board that he is still trying to obtain definitive statistics, relating to the performance of Wisconsin examinees on the NBE exam from Jim Augustine. Informal statistics received thus far indicate that there is a 82% passing rate.

CONTINUING EDUCATION

Barbara Showers and Lydia Bridge, Office of Education and Exams, reported to the Board about the results of a random sample that they recently conducted, relating to the completion of continuing education requirements by applicants for renewal of their license. Out of a total of 100 persons who were randomly selected, 77 were in compliance. Some licensees completed a portion of the education, some completed the education in another state, and some did not respond in a timely manner. Ms. Showers and Ms. Bridge outlined three possible courses of action that the Board could take to gain compliance.

MOTION: Dan Densow moved, seconded by Rick Unbehaun, to request that the Office of Education and Exams should correspond with the 21 persons who are not in compliance and to give them 60 days from the date of the letter to comply with the requirement or they will face possible discipline. The licensees' license should be placed on "hold." Motion carried unanimously.

MOTION: Bonnie Gift moved, seconded by Bob Cress, that the Office of Education and Exams should automatically file a complaint with DOE, regarding any licensees who fail to comply during the 60-day period. Motion carried unanimously.

BOARD MEMBER ACTIVITY

Rick Unbehaun distributed a written report, relating to the 98th Annual Conference of the International Conference of Funeral Service Examining Boards in Dallas, TX, on April 6-7, 2002.

REMOVALS BY UNLICENSED PERSONS

Roy Pfeffer informed the Board about his communications with William Dusso, DRL General Counsel, relating to obtaining an opinion of the Attorney General on the "removal by unlicensed persons issue."

The Board reviewed William Dusso's letter that was sent to the Attorney General on May 14, 2002. The Board also reviewed attachments to the letter (i.e., a legal opinion prepared by Jacquelynn Rothstein, a written opinion prepared by Roy Pfeffer and correspondence from Jean Gilpin of the Department of Health and Family Services).

SUGGESTIONS FOR STATUTORY REVISIONS

The Board discussed the letter received from Bruce Carlson, a funeral director in Rhinelander, Wisconsin. Mr. Carlson suggested that funeral homes should be required to include a statement of ownership in all advertising.

MOTION: Robert Cress moved, seconded by Rick Unbehaun, that this issue be tabled. Motion carried unanimously.

The Board requested that Clete Hansen respond to Mr. Carlson.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None

NEW BUSINESS

None

PUBLIC COMMENTS

None, over and above those already made during the discussion of specific topics.

RECESS TO CLOSED SESSION

MOTION: Bonnie Gift moved, seconded by Dan Densow, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), (f), and (g), Wis. Stats., to review the Case Status Report with representatives of the Division of Enforcement, to discuss cases recommended for closing by the Division of Enforcement and to discuss three proposed stipulations for disciplinary action. Motion carried unanimously by a roll call vote: Bonnie Gift - yes; Bob Cress - yes; Rick Unbehaun - yes; Dan Densow - yes; Roy Pfeffer - yes.

Open Session recessed at 12:20 p. m. and Closed Session convened at that time.

CLOSED SESSION

The Board discussed the Case Status Report, two cases recommended for closing and three proposed stipulations.

RECONVENE IN OPEN SESSION

MOTION: Bonnie Gift moved, seconded by Robert Cress, to reconvene in Open Session at 1:22 p. m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Robert Cress moved, seconded by Rick Unbehaun, to close Case 01 FDR 035 and Case 02 FDR 003. Motion carried unanimously. (Dan Densow, the adviser for these cases, abstained.)

PPROPOSED DISCIPLINARY ACTIONS

Allen B. Buchanan and Buchanan Funeral Home (Pittsville, WI)

MOTION: Rick Unbehaun moved, seconded by Robert Cress, to accept the Findings of Fact, Conclusion of Law and the Proposed Stipulation, relating to Allen B. Buchanan and Buchanan Funeral Home. The motion was carried unanimously. (Dan Densow, the case adviser, abstained.)

Jordan D. Chadwick (South Milwaukee, WI)

MOTION: Robert Cress moved, seconded by Bonnie Gift, to accept the Findings of Fact, Conclusion of Law and the Proposed Stipulation, relating to Jordan D. Chadwick.. The motion was carried unanimously. (Dan Densow, the case adviser, abstained.)

Todd R. Mann (Merrill, WI)

MOTION: Dan Densow moved, seconded by Robert Cress, to accept the Findings of Fact, Conclusion of Law and the Proposed Stipulation, relating to Todd R. Mann. The motion was carried unanimously. (Rick Unbehaun, the case adviser, abstained.)

ADJOURNMENT

MOTION: Dan Densow moved, seconded by Robert Cress, to adjourn the meeting at 1:22 p. m. Motion carried unanimously.